

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAPIRSTEIN-STONE-WEISS  
FOUNDATION, et al.,

Plaintiffs,

v.

J. EZRA MERKIN, et al.,

Defendants.

No. 13-Civ-415 (VM)

ECF Case

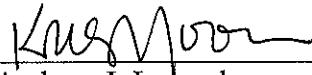
**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Defendants J. Ezra Merkin and Gabriel Capital Corporation's Motion to Dismiss, the Declaration of Kristina A. Moon and the Exhibits annexed thereto, and all prior pleadings and proceedings, Defendants J. Ezra Merkin and Gabriel Capital Corporation will move this Court, before the Honorable Victor Marrero, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, on a date and time to be determined by the Court, for an Order pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, dismissing this action with prejudice as time-barred by the statute of limitations, for failure to state a claim upon which

relief can be granted and to plead fraud with particularity, and as barred by the doctrine of collateral estoppel, and granting such other and further relief as the Court deems appropriate.

Dated: New York, New York  
March 26, 2013

DECHERT LLP

By:   
\_\_\_\_\_  
Andrew J. Levander  
Neil A. Steiner  
Kristina A. Moon  
1095 Avenue of the Americas  
New York, New York 10036  
(212) 698-3500  
andrew.levander@dechert.com

*Attorneys for Defendants J. Ezra Merkin and  
Gabriel Capital Corporation*